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38. (New) A variant of HIV-3 retrovirus, comprising three core proteins with molecular weights of about 12 kD, about 17 kD, and about 25 kD, an endonuclease with molecular weight of about 31 kD, two reverse transcriptases with molecular weights of about 49 kD and about 62 kD, a transmembrane protein with molecular weight of about 41 kD, and an outer membrane protein with molecular weight of about 120 kD, the variant characterized in that its LTR sequence is about 70% or less homologous to the LTR sequence of HIV-1 or HIV-2.--

REMARKS

The active claims in this case are claims 37 and 38.

The specification has been amended to recite the relationship with the parent case, and to incorporate portions of the preliminary amendment filed July 25, 1997 in parent case 08/900,902. Portions of the preliminary amendment in the parent case that amended the abstract and title thereof to refer specifically to antibody compositions have not been included, as the present claims are not directed to antibody compositions.

The original application was filed without an abstract of the disclosure. This Preliminary Amendment is being filed to provide such an abstract. The specification is also amended to incorporate the amendments made during prosecution of prior application Serial No. 07/460,913.

The specification at page 3 has been amended to introduce the current classification, HIV-1 subtype O virus, for what had been termed "HIV-3" in the original application. After the inventors first reported on their discovery of HIV-3, specifically variant ANT₇₀, the medical and scientific community recognized that HIV-3 should more appropriately be classified as a subtype of HIV-1. This subtype was designated "O" where O stands for "outliers". Several journal articles have been provided in the preceding case Serial No. 08/486,836 to substantiate the scientific recognition that HIV-3, e.g., ANT₇₀, is now classified as HIV-1 subtype O.

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The new claims find support at p. 12, lines 6-14; p. 16, line 27-p. 19, line 20; and p. 20, lines 7-10.

It is believed that no fee is due; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason, the Assistant Commissioner is authorized to deduct said fees from Arnold White & Durkee Deposit Account No. 01-2508/BARP025--2/KAM.

Respectfully submitted,



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